

# **Exhibit B**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and  
MICHAEL MARCENELLE**, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

V.

**KRISTI NOEM**, in her official capacity as Secretary of Homeland Security, **PETE HEGSETH**, in his official capacity as Secretary of Defense, **KEVIN E. LUNDAY**, in his official capacity as Acting Commandant of the Coast Guard, and **MICHAEL H. DAY**, in his official capacity as Acting Deputy Commandant for Personnel Readiness

Defendants.

Case No. 4:22-cv-00825-P

## DECLARATION OF MICHAEL LEMORIE

I, *Michael Lemorie*, hereby state and declare as follows:

1. I am a civilian employee of the United States Coast Guard currently serving as the Program Manager, Coast Guard Military Human Resource Record Section (CGMHRR), Business Operations Division, Coast Guard Personnel Service Center. The CGMHRR Section maintains the personnel documents of the careers of Coast Guard military members by executing a comprehensive, coordinated, and sustained human resource records management program using the interactive Personnel Electronic Records Management System (iPERMS). The CGMHRR Section is responsible for maintaining all active duty officer and enlisted and Reserve officer and enlisted CGMHRR records in accordance with 36 C.F.R., National Archives and Records Administration guidelines, and Coast Guard policy. I make this declaration in my official capacity based upon my personal knowledge and upon information that has been

provided to me in the course of my official duties. This declaration provides an update on the status of the three plaintiffs and describes Coast Guard military personnel records.

2. Boatswain Mate First Class Erick Jackson voluntarily retired from the Coast Guard on September 1, 2024, after completing twenty years of active duty military service.

3. Lieutenant Junior Grade (LTJG) Alaric Stone was selected for promotion to lieutenant and was promoted on May 20, 2024.

4. Although he had been passed over for promotion in 2022, LTJG Michael Marcenelle was selected for promotion by 2023 Lieutenant Promotion Board. Because the Coast Guard designated that promotion board to also be a Special Selection Board, his promotion became effective April 29, 2023, the date that he would have been promoted had he been selected for promotion in 2022. He was awarded back pay and allowances based on that promotion date.

5. A Coast Guard member's Official Military Personnel File (OMPF) is maintained by the Coast Guard Personnel Service Center in the interactive Personnel Electronic Records Management System (iPERMS). This is a federally compliant electronic records management system and complies with National Archives and Records Administration record retention requirements. The OMPF is the permanent, historical, and official record of a member's military service and is a Federal Record which is part of the whole CGMHRR. Coast Guard members can access their CGMHRR, which contains the OMPF, through iPERMS electronically including members who left the service after October 1, 2006.

6. Prior to 2022, a Coast Guard member would have a Servicing Personnel Office (SPO) Personnel Data Record (PDR) maintained by the member's assigned SPO which contained certain documents about the member's career and primarily functions as the source document repository supporting a member's pay and benefits. A member could also have had a Unit PDR

maintained by the member's unit which functions as a "working" copy of the SPO PDR when the unit is geographically separated from the SPO. In 2022 and 2023, any permanent military personnel records contained in a PDR were converted into electronic documents and loaded into iPERMS. Since October 2022, iPERMS is the one and only location for all official military personnel documents and the Coast Guard no longer keeps paper military personnel records, or PDRs. To the extent that any such records exist, they are not official Coast Guard records. Advancement and assignment decisions along with promotion or selection boards are based on the official records contained in iPERMS.

7. On February 4, 2023, the Acting Assistant Commandant for Human Resources (CG-1), Dr. Donna M. Navarro, signed a memorandum directing the Coast Guard PSC to remove all CG-3307 (P&D-41(series)), administrative remarks referencing a member's failure to comply with the Coast Guard's COVID-19 vaccine requirement from active duty and reserve service members' personnel data records. The memorandum established an order of priority for the removal of the CG-3307s with the first priority being members going before a board or panel to be removed by July 1, 2023, before the boards of panels would meet. On February 27, 2023, the Coast Guard PSC issued ALCGPSC 024/23 notifying members that the estimated completion date for removing all administrative remarks referencing the Coast Guard's COVID-19 vaccine requirement was March 31, 2023. Members were further directed to contact their servicing personnel and administrative office to request removal if their record still contained administrative remarks referencing the Coast Guard's COVID-19 vaccine requirement after March 31, 2023. On April 12, 2023, the Coast Guard alerted members that PSC had completed its centralized review and removal of administrative remarks documenting non-compliance with the COVID-19 vaccination requirement and directing members to conduct a comprehensive

review of the record in iPERMS. ALCGPSC 058/23. If such records were found, members were to have their personnel office work with PSC to have the document(s) removed. Coast Guard members were also reminded that Coast Guard personnel records could be corrected by application to the Board of Correction for Military Records and, for records less than a year old, by application to the Personnel Records Review Board.

8. When PSC found a CG-3307, Performance & Discipline (P&D 41-A) regarding the requirement to get vaccinated against COVID-19, the document was removed and replaced it with the February 2, 2023, memorandum signed by the Acting Assistant Commandant for Human Resources (CG-1), Dr. Donna M. Navarro. This was done to document the authority for changing this federal record similar to how changes to military records ordered by the Board for Correction of Military Records are documented and to comply with federal record keeping requirements. While a military member can see the memorandum when viewing their own military personnel record through iPERMS, the memorandum is not viewable by most others specifically including the members of promotion boards and assignment panels.

9. During the migration of the paper PDR records to iPERMS, the CG-3307 records ordered removed by Dr. Navarro were not supposed to be converted and loaded into iPERMS although other CG-3307 records were the type of records which would be converted and loaded into iPERMS. Because the migration overlapped with the removal of the CG-3307 ordered by Dr. Navarro, some CG-3307s documenting the requirement to get vaccinated against COVID-19 were inadvertently re-added to iPERMS. For example, LT Stone had one such CG-3307 (effective date July 21, 2022). This was entered into the CGMHRR on November 4, 2022, as a result of the system migration from the previous electronic record system to iPERMS. This document was removed on March 8, 2023. The document was re-added to the CGMHRR due to

administrative and review failures on March 27, 2023. This was subsequently removed again on May 16, 2023, and is not currently in the CGMHRR. LT Marcenelle had 3 CG-3307s ( effective dates September 9, 2021; May 27, 2022; May 31, 2022). These were entered into the CGMHRR on November 4, 2022, as a result of the system migration from the previous electronic record system to iPERMS. These documents were removed on March 8, 2023, were never re-uploaded, and are not currently in the CGMHRR. Plaintiff Jackson had one CG-3307 (effective date September 9, 2021). This was entered into the CGMHRR on November 4, 2022, as a result of the system migration from the previous electronic record system to iPERMS. This document was removed on April 12, 2023, was never re-uploaded, and is not currently in the CGMHRR. The Coast Guard Lieutenant who submitted a declaration while this case was on appeal had a CG-3307 Performance & Discipline (P&D 41-A) regarding the requirement to get vaccinated against COVID-19 (effective date February 7, 2022). This was entered into the CGMHRR on November 4, 2022, as a result of the system migration from the previous electronic record system to iPERMS. This document was removed on March 3, 2023. The document was re-added to the CGMHRR due to administrative and review failures on April 4, 2024. This was subsequently removed again on June 10, 2024, and is not currently in the CGMHRR.

10. Coast Guard members are routinely reminded to check their military records in iPERMS to ensure that their records are correct, and members were specifically directed to check for the removal of the CG-3307s documenting the requirement to get vaccinated against COVID-19.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of June 2025.

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Michael Lemorie  
Program Manager CGMHRR  
Coast Guard Personnel Service Center